



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,239	03/17/2004	Alex A. Kipman	MS303877.01 / MSFTP582US	5256
27195 7590 06/13/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER WEI, ZHENG	
			ART UNIT 2192	PAPER NUMBER
			NOTIFICATION DATE 06/13/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
lpasterchek@thepatentattorneys.com

Office Action Summary	Application No. 10/802,239	Applicant(s) KIPMAN ET AL.	
	Examiner ZHENG WEI	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In view of the Pre-Appeal Brief Request filed on 03/20/2008, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

2. Claims 1-36 remain pending and have been examined.

Response to Arguments

3. Applicant's arguments filed on 03/20/2008, in particular on pages 4-6, have been fully considered.

- At page 5, second paragraph, the applicants argue that the “simple.xml” is not a policy component that determines one or more levels of trust for the build process and the cited art fails to teach or suggest setting up a policy that sets a level of trust by which a conditional build process is executed. However, the Examiner respectfully disagrees. First of all, the software component “simple.xml” is a policy component that defines build rules/policies including build project name, target, source directories, compiler to be used... Especially Cynerman discloses a feature in simple.xml example that uses “include/exclude” combined with “unless” (see for example, p.6, lines 1-14, “<include.../> <exclude name=“*/Script.java” unless=“bsf.present”/>”) which defines excluding a file named “Script.java” in the build unless the property (trust) “bsf.present” is set to true. Therefore, it is clear that “unless” is a condition that can be checked to determine the result and thus after checking the property value true/false, build process can determine whether include or exclude the certain file. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to check the property value to decide one or more the trust levels. For example, if we define “unless =‘trust level’” to substitute the “unless =‘bsf.present’” in simple.xml example, then check the value of “trust level” that can easily determine the trust level, e.g. value true→trust level 1, value false→trust level 0.

- At page 5, third paragraph, the Applicants submit that Jerger fails to make up for the aforementioned deficiency of Cymerman. However, the Examiner respectfully disagrees. As the Applicants agreed, Jerger discloses the operations corresponding to these security zones are executed based on defined permissions (see for example, p.5, third paragraph). According said defined permissions can be used to check in Cymerman's simple.xml at "unless" statement to determine the trust level at runtime while the build process processing the policy component (simple.xml).
- At pages 5-6, the Applicants argue that the cited references fail to teach or suggest cited limitation of Claim 17 about "the build process operates at the permission level that is a lowest level of trust associated with the one or more build entities". However, the Examiner respectfully disagrees. Claim 17 depends from independent claim 11 which only recites limitation about determine a permission level and claim 17 further define the permission level without disclosing any benefits or reason why the permission level is a lowest level and what the lowest level of trust is. Cymerman and Jerger disclose define/determine different trust levels as discussed above. It is obvious that one of those defined trust levels including the lowest level of trust is an option that build process can operate. Therefore Cymerman and Jerger do disclose all the limitation as the Applicants argued.

- A closer readings of prior art and more detail explanations have been applied to the following office action to address the cited limitations as the applicants argued in the appeal brief.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cynerman (Michael Cymerman, Automate your build process using Java and Ant) in view of Jerger (US 6,321,334).

Claim 1:

Cynerman discloses a system that facilitates management of a build process, comprising:

- a build process that processes one or more build entities (see for example, p.1, section Introducing the powerful XML-based scripting tool, Ant. “A defined build process” and related description); and
- a policy component that is processed by the build process within which the build process operates (see for example, p.3, example of simple.xml file includes build policy/rules for build process)

Cynerman also discloses using “include/exclude” and “unless” entities to match the pattern in the name attribute from the compilation (see for example, p.6, first and second paragraphs). But Cynerman does not explicitly disclose determining one or more levels of trust within which the build process operates.

However, Jerger in the same analogous art of computer-based system discloses a method of configuration of a system security policy that is stored on a host computer, (see for example, Figure 8, items 812 Unsigned Permissions, 814 Trusted Signed Permissions, 816 Untrusted Signed Permissions and related text) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to define those different levels of trust for the build entities and use Cynerman’s “unless” entities to match the pattern in the name attribute about the levels of trust from the compilation. One would have been motivated to do so to secure the build process by automatically administering the decision to grant or deny permissions to specific build entities as suggested by Jerger (see for example, col.2, lines 27-51)

Claim 2:

Cynerman and Jerger disclose the system of claim 1, Jerger further discloses the levels of trust include levels that are representative of trusted (Unsigned Permissions), semi-trusted (Trusted Signed Permissions), and untrusted (Untrusted Signed Permissions). (see for example, Figure 8, items 812 Unsigned Permissions, 814 Trusted Signed Permissions, 816 Untrusted Signed

Permissions and related text).

Claim 3:

Cynerman and Jerger disclose the system of claim 1, Cynerman further discloses the policy component includes one or more policy files that are processed by the build process (see for example, p.3, example of simple.xml file includes build policy/rules for build process).

Claim 4:

Cynerman and Jerger disclose the system of claim 1, Cynerman further discloses the policy component includes one or more policy files that are processed by the build process before the one or more build entities are built (see for example, p.3, example of simple.xml file includes build policy/rules for build process).

Claim 5:

Cynerman and Jerger disclose the system of claim 1, Cynerman further discloses the one or more entities include at least one of a project, a task, a logger, and operating system (OS) account information (see for example, p.3, example of simple.xml file includes project; also see example command line, p.7, XmlLogger for writing a reporting tool).

Claim 6:

Cynerman and Jerger disclose the system of claim 1, Jerger further discloses at least one of the one or more build entities are each associated with the one or more of the levels of trust, which associations are defined in the policy component via at least one of a user-definable policy file and a default policy file, at least one or both of which are processed to determine the level of trust for the build process (see for example, Figure 4A, set the security level for this zone, items 408-412 and related text; also see col.18, lines 51-63, "each security zone has a default security level, which is used if not changed by a user").

Claim 7:

Claim 7 is computer program products version of the claimed method, wherein all claimed limitation functions have been addressed in claim 1 above. It is well known in the computer art that such method steps can be implemented as computer program and can be practiced and /or stored on a computer operable media. Thus, it also would have been obvious that the computer readable medium having stored thereon computer executable instructions for carrying out the system [build process] of claim 1 in view of reference teachings above.

Claim 8:

Cynerman and Jerger disclose the system of claim 1, Cynerman also discloses a computer that employs the system of claim 1 (see for example, p.3, lines 3-4, NT

machine).

Claim 9:

Cynerman and Jerger disclose the system of claim 1, Cynerman also discloses a server that employs the system of claim 1 (see for example, p.3, line 3, server's operating system).

Claim 10:

Cynerman and Jerger disclose the system of claim 1, Cynerman also discloses the system of claim 1, the entity is received at least by one of downloading from a website, as part of an e-mail, and a version control system (see for example, p.2, line 1, CVS- Handles package/modules retrieved from a CVS repository).

Claim 11-15:

Claims 11-15 are another system version of claims 1-10 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above. Thus, they also would have been obvious.

Claim 16:

Cynerman and Jerger disclose the system of claim 11, Jerger further discloses an option for setting custom permission level (see for example, Figure 8, item

816 and 824, “Refuse untrusted permission without asking” and related text).

Therefore, it would have been obvious that the build process would exclude and not build those entities when the permission level is representative of untrusted.

Claim 17:

Cynerman and Jerger disclose the system of claim 11, Jerger further discloses the build process operates at the permission level that is a lowest level of trust associated with the one or more build entities (see for example, Figure 8, items 816 “Untrusted Signed Permissions”, 822 “Ask for approval of untrusted permissions” and related text).

Claim 18:

Cynerman and Jerger disclose the system of claim 11, Cynerman further discloses the one or more policy files are written in XML (see for example, p.3, example of simple.xml file includes build policy/rules for build process)

.

Claim 19:

Cynerman and Jerger disclose the system of claim 11, Cynerman further discloses the one or more policy files are adjusted automatically according to one or more parameters (see for example, p.3, bottom line – p.4, line 7 the example of Ant command line parameter, e.g. “init” and related text).

Claims 20 and 21:

Claims 20 and 21 are computer program products version of the claimed method, wherein all claimed limitation functions have been addressed in claims 1-10 above respectively. It is well known in the computer art that such method steps can be implemented as computer program and can be practiced and /or stored on a computer operable media. Thus, they also would have been obvious in view of reference teachings above.

Claim 22:

Cynerman and Jerger disclose the system of claim 20, Cynerman further discloses the method of claim 20, further comprising sending a message when the build process fails (see for example, p.7, section "Reporting enhancements", BuildEvent, "public Throwable getException()" and related text).

Claim 23:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, providing a level of trust that allows any operation to be performed during the act of performing (see for example, Figure 8, item 816, "Untrusted Signed Permissions", item 826, "Apply to all permissions not specifically allowed" and related text)

Claim 24:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses providing a level of trust that allows only a minimal set of operations to be performed during the act of performing (see for example, Figure 8, item 816 and 824, “Refuse untrusted permission without asking” and related text. Therefore, only trusted permission allows.).

Claim 25;

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses providing a level of trust that aborts the build process during the act of performing (see for example, Figure 4A, “Set the security level for the zone”, item 408 “High, exclude content that could damage your computer”)..

Claim 26:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, the act of associating associates one of the one or more build entities with at least two levels of trust (see for example, Figure 9A, 9C and related text; For setting different Read Access type and Connect Access type).

Claim 27:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses providing a default set of associations between the one or more build entities and one or more levels of trust in the form of a file (see for example, Figure 8, “Edit Custom Permissions”, “Save” button can be used to save configuration to file)

Claim 28:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, the level of trust is defined according to at least one of user-defined policy data and default policy data (see for example, Figure 4A, default: High, Medium and Low; User defined: Custom).

Claim 29:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, the user-defined policy data overrides the default data where a conflict occurs (see for example, col.18, lines 51-63, “each security zone has a default security level, which is used if not changed by a user”).

Claim 30:

Cynerman and Jerger disclose the system of claim 20, Cynerman further discloses, storing the association of the build entity with the level of trust in the form of a file to which access is restricted (see for example, p.3, example of simple.xml file includes build policy/rules for build process; also see p.6, first and

second paragraphs, "include/exclude" and related text).

Claim 31:

Cynerman and Jerger disclose the system of claim 20, Cynerman further discloses, storing the association of the build entity with the level of trust in the form of a file that further relates the use of system resources with the level of trust (see for example, p.6, third paragraph about setting "available" property for using class "com.ibm.bsf.BSFManager").

Claim 32-36:

Claims 32-36 are another system version of claims 1-10 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above. Thus, they also would have been obvious.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059 and Fax number is (571) 270-2059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192